

MHBI010016202026

**Criminal Bail Appln.No.489/2026****Pavan Shahurao Nimbalkar & Ors.
Vs.
State of Maharashtra****ORDER BELOW EXH.1**

01] This is an application filed for anticipatory bail as per section 482 of the B.N.S.S., in connection with Crime No.140/2026 registered by Chaklamba Police Station, Dist. Beed for the offences punishable under section 4 of Dowry Prohibition Act and Section 318(1), 318(4), 352, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.

02] Prosecution's case in brief, is as under ;

Informant- Dnyaneshwar Dinkar Jarange lodged F.I.R. on 11.05.2026 alleging that, the applicants are his relatives. They proposed to solemnize marriage informant's daughter with applicant No.1. Applicant No.2 is father of applicant No.1 and applicant No.3 is his mother. Applicant No.4 is his maternal uncle. As the informant accepted the proposal and his daughter and applicant No.1 also showed willingness to marry with each other, the engagement ceremony was performed on 14.12.2025 at village Matori. About 400 to 500 persons from the side of applicants attended the ceremony. In the said ceremony informant gave two gold rings weighing 7 grams each in total worth Rs.1,86,000/- and also spent Rs.5 lakh for food and pandal, etc. The date of the marriage was fixed as 21.04.2026. Applicant No.1

gifted a cell phone of Oppo company to informant's daughter. Towards preparation of marriage informant purchased furniture worth Rs.1,30,000/-, Rs.45,000/- towards rent and also paid advance amount of Rs.2,50,000/- towards pendal, Rs.1,50,000/- towards food and Rs.51,000/- towards band. On 07.04.2026 informant's daughter and applicant No.1 went to Pune and purchased clothes worth Rs.90,000/-. They returned on the same day, at about 11.30 to 12.00 midnight applicant No.1 asked to stop the vehicle at Tisgaon and asked the others to go ahead. At that time, he took the mobile handset of informant's daughter with him. On 08.04.2026 applicant No.1 called the informant to his house. Accordingly, informant and his relatives went there. Applicant No.1 told them that, he does not want to marry with informant's daughter as she was born and brought up in village and therefore, doesn't suit him. When the informant opposed applicant No.1, showed him the revolver and threatened him and asked him to give dowry of Rs.10 lakh in cash and gold weighing 20 Tolas if the informant insists to solemnize marriage of his daughter with applicant No.1. The informant and his relatives tried to convince applicants through their relatives, friends and prestigious persons, but they did not listen to them. Hence, the F.I.R.

03] Applicants have claimed bail on the grounds that, they are innocent and have not committed any crime as alleged. According to applicants, there is no material in the F.I.R. to demonstrate dishonest intention since the inception of marriage talks which is essential to attract Section 318(4) of B.N.S. The specific words of abuses and

threats uttered by the applicants are not mentioned in the F.I.R. All the allegations in the F.I.R. are omnibus and vague. The maximum punishment prescribed for the alleged offence is 7 years imprisonment. The custodial interrogation of the applicants is not necessary. Applicant No.1 is serving as P.S.I. Applicants No.2 to 4 are respectable persons in the society. According to applicants, the parents of proposed bride were performing her marriage with applicant No.1 against her will. Therefore, the applicant No.1 declined to solemnize marriage with her. There is no recovery or discovery is to be effected from the applicants. Applicants are permanent residents of given address. They are ready to co-operate in investigation and abide by the conditions that may be imposed. On these grounds, he has prayed to grant anticipatory bail.

04] Prosecution has resisted the application by filing say at Exh.13. It is the say of the prosecution that there is strong prima facie case made out against the applicants. There is active participation of the applicants in commission of crime. The investigation is in progress and custody of the present applicants is necessary for further investigation of crime. If the applicants will be released on bail, then it is likely that, he will pressurize the prosecution witnesses, interfere in the the investigation and tamper the prosecution's evidence. On these grounds, prosecution has prayed to reject the bail application.

05] Informant has resisted the application by filing his affidavit at Exh.14. He has re-produced the contents of F.I.R. According to him, he has spent lot of money for preparation of the marriage and towards

expenses of engagement ceremony. According to informant, when the applicant No.1 called him to his house on 08.04.2026, he told that, he does not want to marry with informant's daughter as she is from rural area and does not suit him. Thus, the applicant No.1 by breaking the marriage after engagement has caused defamation of informant and his daughter in the society and cheated them. As the applicant No.1 is serving in police department police are not arresting him. Though, brother of applicant No.1 named Angad Shahurao Nimbalkar is also accused in the crime, he visited the police station and lodged false F.I.R. against informant and his daughter and family members. This shows that, the applicant No.1 is having influence over the police department. Yet the recovery of gold rings given to applicant No.1 in engagement ceremony and revolver used by him in commission of crime is not effected. Investigation is in progress. If the applicants will be released on bail, then it is likely that, they will pressurize the prosecution witnesses, interfere in the the investigation and tamper the prosecution's evidence. On these grounds, informant has prayed to reject the bail application.

06] Heard advocate for the applicants/accused, learned A.P.P. for the State and learned advocate for the informant. They argued as per application and say as referred above. To avoid repetition, I find it would be just and proper not to reproduce the arguments of both the sides.

07] Considering the rival submissions of both sides, I find that, in order to constitute offence under Section 318 there must be intention to deceive since inception of the crime. In the instant case, the applicants and informant were going to solemnize marriage of applicant No.1 with informant's daughter. In such situation, considering that both the parties came in contact with each other for the purpose of marriage of applicant No.1 and informant's daughter, at this stage there is nothing on record to gather that, the applicants were since beginning intending to deceive the informant and his daughter. In Indian society it is commonly observed that, in traditional marriage ceremonies people spent lot of money, but unless and until there is substantial evidence to show that, the aggrieved party was compelled to spent money it cannot be said that, the intention of the applicants was to cause unlawful loss to the informant and to cause unlawful gain for themselves. As gold rings are exchanged in the engagement ceremony, it cannot be said that, the applicants had induced the informant to deliver any property. In this regard the informant's advocate relied upon the contents of F.I.R. lodged by brother of applicant No.1 in which it has been mentioned that, informant's daughter told applicant No.1 on phone in March-2026 that, she is not willing to marry with him. It was argued by informant's advocate that, if the applicant No.1 had come to know that, informant's daughter is not willing to marry him in March-2026, he had no reason to go to Pune with her for purchasing clothes. So far as this argument is concerned, on perusal of F.I.R. in Crime No.152/2026, I find that, according to informant therein, after the telephonic talk the applicant No.1 informed about it to the proposed bride's side and the relatives of

the proposed bride convinced him that, the girl belongs to rural area and they will talk with her and give her understanding. In view of the above contents of the F.I.R. I find that, the conduct of the applicant No.1 to visit Pune for purchasing clothes with informant's daughter is quite normal. The possibility that, he had direct talk with her during the said visit, cannot be ruled out. So far as the allegation of displaying revolver and giving threats to informant are concerned, no description of the revolver is mentioned in F.I.R. According to applicants, the exaggerated allegation has been made with intention to increase the gravity of the crime. Considering the nature of allegations and that the applicant No.1 is Government servant, I find that, attendance to the police station shall suffice the purpose of further investigation. Hence, I pass following order.

ORDER

01. Application is allowed.

02. In the event of arrest of applicants/accused No.1)**Pavan s/o. Shahurao Nimbalkar, No.2) Shahurao s/o. Sahebrao Nimbalkar, 3) Ushabai w/o. Shahurao Nimbalkar and 4) Babasaheb s/o. Ramrao Gade** in Crime No.140/2026 registered by Chaklamba Police Station, Dist. Beed for the offences punishable under section 4 of Dowry Prohibition Act and Section 318(1), 318(4), 352, 351(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on executing P. R. Bond of Rs. 50,000/- (Rs. Fifty Thousand only) and one surety of like amount each, on the following terms and conditions.

(a) Applicants No.1, 2 and 4 shall attend Chaklamba Police Station twice in a week in between 11.00 am to 02.00 pm, till filing of charge-sheet w.e.f. 22/06/2026 and shall co-operate in the investigation.

(b) Applicants shall not indulge in any offence.

(c) Applicants shall not directly or indirectly contact and pressurize the prosecution witnesses and tamper the prosecution evidence.

(d) Applicants shall not leave the jurisdiction of the Court without prior permission of the concerned Court till further order.

(e) Violation of any of the conditions imposed shall amount to cancellation of bail forthwith.

03. Inform to concerned police station accordingly.
(Order dictated and pronounced in open Court.)

Date : 16/06/2026

**(S.R.Shinde)
Additional Sessions Judge
Beed**

:: CERTIFICATE ::

" I Affirm that the content of this PDF file are word to word as per original Judgment/Order "

Dictated on :- 16/06/2026

Transcribed on :- -----

Checked & Signed on :- 16/06/2026

(A.R.Patil)
Stenographer Gr-II
District Court-2
Beed.